

TRI-WEEKLY KENTUCKY YEOMAN.

VOL XI.

BY AUTHORITY.



LAWS OF THE UNITED STATES,

Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the third day of December, A. D. 1860, and ended on Monday, the fourth day of March, A. D. 1861.

CHAPTER LXXXIII.

AN ACT to organize the Territory of Nevada.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States included within the following limits, to-wit: Beginning at the point of intersection of the forty-first degree of longitude west from Washington; thence running south on the line of said thirty-ninth degree of west longitude until it intersects the northern boundary of the Territory of New Mexico; thence west to the dividing ridge separating the waters of Carson Valley from those that flow into the Pacific; thence east and divide ridge northwardly to the forty-first degree of north latitude; thence east along the same to the line of the State of Oregon; thence due east to the point of beginning; and the same is hereby erected into a temporary government by the name of the Territory of Nevada: Provided, That so much of the laws of the State of California as the State of California shall not be included within this Territory until by an act irreconcileable without the consent of the United States: Provided further, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and the Indians, or by any other right, title or claim of any tribe with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or Territory, but all such rights as may be exercised by the Indians, and constitute no part of the Territory of Nevada, until said tribe shall signify their assent to the President of the United States to be included with in said Territory, or to provide for the removal of the Government of the said Territory, or to make any regulation respecting the Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been convenient for the Government to have made in the event of the organization of said Territory. Then nothing in this act contained shall be construed to prohibit the Government of the United States from dividing said Territory into two or more territories, in such manner and at such time as may be deemed convenient and proper, or from attaching any portion thereto to any other Territory or State.

Sec. 2. And be it further enacted, That the executive power and authority in and over said Territory shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States: The governor shall exercise the military command, and be commander-in-chief of the militia thereof; shall perform the duties and receive the emoluments of superintendent of Indian Affairs, and shall approve all laws passed by the legislative assembly before they are to be put in force; and shall be responsible for the safety of the public roads, and for the suppression of offenses against the laws of said Territory, and reprises for offenses against the laws of the United States until the decision of the President can be made known; and he shall be commission all officers who shall be appointed to fill vacancies in the civil service of said Territory, and shall take care that the laws be faithfully executed.

Sec. 3. And be it further enacted, That there shall be a secretary of state, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States: He shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the papers of the executive office of the governor, in his executive department; he shall transmit one copy of the laws and one copy of the executive proceeding, on or before the first day of December in each year, to the President of the United States, and to the Speaker of the House of Representatives and the President of the Senate, for the use of Congress; and in case of the death, removal, or resignation of the governor, or in case of his incapacity, or if he shall be absent from the Territory, the secretary shall be substituted in his place, and shall be entitled to receive and execute all the powers and duties of the governor during such vacancy or necessary absence, or until a new governor shall be duly appointed to fill such vacancy.

Sec. 4. And be it further enacted, That the legislative power and authority of said Territory shall be vested in a general and legislative assembly, which shall consist of a Council and House of Representatives. The Council shall consist of nine members, which may be increased to thirteen, having the qualifications of voters as aforesaid, and shall be chosen by the electors of the several counties or districts of said Territory, and the members of the Council and of the House of Representatives shall consist of thirteen members, which may be increased to twenty-six, possessing the same qualifications as prescribed for members of the Council and who are qualified to be elected to the same. An appointment shall be made, as nearly equal as practicable, among the several counties or districts for the election of the Council and House of Representatives, giving to each county or district the ratio of its population, (Indians excepted) as nearly as may be, and the members of the Council and of the House of Representatives shall reside in, and be inhabitants of, the district for which they are chosen.

Previous to the first election, the Governor shall cause a census or enumeration of the inhabitants of the several counties and districts of the Territory to be taken; and a new election to supply the vacancy in the Council, and to elect the members of the legislative assembly shall meet at such place, and on such day as the Governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the appointment of election officers in the several counties or districts to the Council and House of Representatives, according to the population, shall be prescribed by law as well as the day of the commencement of the session, and the time of the adjournment of the legislative assembly.

Sec. 5. And be it further enacted, That no person authorized to be elected having the highest number of votes in each said council districts for members of the Council shall be declared by the Council, and the Governor shall appoint and direct him, and at said first session, or as soon thereafter as the time, place, and manner of holding and conducting all elections by the people, and the appointment of election officers in the several counties or districts to the Council and House of Representatives, according to the population, shall be prescribed by law as well as the day of the commencement of the session, and the time of the adjournment of the legislative assembly.

Sec. 6. And be it further enacted, That no person authorized to be elected having the highest number of votes in each said council districts for members of the Council shall be declared by the Council, and the Governor shall appoint and direct him, and at said first session, or as soon thereafter as the time, place, and manner of holding and conducting all elections by the people, and the appointment of election officers in the several counties or districts to the Council and House of Representatives, according to the population, shall be prescribed by law as well as the day of the commencement of the session, and the time of the adjournment of the legislative assembly.

Sec. 7. And be it further enacted, That no person authorized to be elected having the highest number of votes in each said council districts for members of the Council shall be declared by the Council, and the Governor shall appoint and direct him, and at said first session, or as soon thereafter as the time, place, and manner of holding and conducting all elections by the people, and the appointment of election officers in the several counties or districts to the Council and House of Representatives, according to the population, shall be prescribed by law as well as the day of the commencement of the session, and the time of the adjournment of the legislative assembly.

Sec. 8. And be it further enacted, That the legislative power and authority in and over said Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the right of trial by jury, or of trial by tax, shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents; nor shall any law be passed impairing the right of trial by jury, or of trial by tax, or any discrimination be made in taxing different kinds of property; but all property subject to taxation shall be in proportion to the value of the property.

Sec. 9. And be it further enacted, That all town, city, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the government and legislative assembly of the Territory; and the government and legislative assembly, and with the advice and consent of the legislative council, shall appoint all officers not herein otherwise provided for; and in the first instance, the governor alone, and with the advice and consent of the legislative assembly, and shall lay off the necessary districts for members of the council and house of representatives, and all other officers.

Sec. 10. And be it further enacted, That a member of the legislative assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term of his election, and for one month after the expiration of such term; and no person holding a commission or appointment under the United States, except postmaster, or shall hold any office under the government of said Territory.

Sec. 11. And be it further enacted, That the judi-

FRANKFORT KENTUCKY, JUNE 20, 1861.

cial power of said Territory shall be vested in a supreme court, district courts, probate courts, and justices of the peace. The supreme court shall consist of a chief justice and two associate justices, and shall hold in term at the seat of government, and at any two other places, constituting a quorum, and they shall hold their offices during the period of four years. The said Territory shall be divided into three judicial districts, and the associate judges shall be held in each of said districts by order of the justices of the supreme court, at such time and place as may be prescribed by law, and the said judges shall, after their appointment, respectively, reside in the districts of the several courts herein provided for, both appellate and original, and that of the probate courts and the justices of the peace, shall be limited by the circuit, and the associate judges shall have jurisdiction of any matter in controversy when the boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and associate judges, and the said justices of the peace, as well as common-law jurisdiction and authority for redress of all wrongs committed against the Constitution or laws of the United States, or of the Territory, after the passage of proper laws, shall not affect the power of the court in chancery, and shall also be the register in chancery, and shall keep his office at the place where the court may be held, and of every bill of exception, and appeals, shall be allowed to be filed in the circuit, and the decisions of said district courts to the supreme court under such regulations as may be prescribed by law; but no appeal removed to the supreme court shall be tried in any case removed to the said court.

The supreme court, justicemaster, and clerk, shall be appointed by the court in chancery, and shall have his office at the place where the court may be held, and of every bill of exception, and appeals, shall be allowed to be filed in the circuit, and the decisions of said district courts to the supreme court under such regulations as may be prescribed by law; but no appeal removed to the supreme court shall be tried in any case removed to the said court.

For continuing the survey of the western coast of the United States, including compensation of civilians engaged in the work, and excluding pay and emoluments of officers of the army and navy, and petty officers and men of the army employed in the work,) two hundred and twenty-five thousand dollars.

For continuing the survey of the Florida reefs and keys, including compensation of civilians engaged in the work, and excluding pay and emoluments of officers of the army and navy, and petty officers and men of the army employed in the work,) two hundred and twenty-five thousand dollars.

For completing the line to connect the triangulation on the Atlantic coast with that of the Gulf of Mexico, across the Florida Peninsula, including compensation of civilians engaged in the work, five thousand dollars.

For publishing the observations made in the progress of the survey of the coast of the United States, including compensation of civilians engaged in the work, five thousand dollars.

For repairs of steamers and sailing schooners used in the coast survey, ten thousand dollars, including cost of materials, and for mileage or transportation for services, and for the pay and subsistence of the army serving in the coast survey, in cases no longer provided for by the quartermaster's department, five thousand dollars.

For surveying the public lands in Kansas and Nebraska, also outlines of Indian reservations, twenty thousand dollars.

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For surveying the public lands in Washington Territory, the rates now authorized by law fifteen thousand dollars, and the amount of the same appropriated by the twenty-third of June, eighteen thousand dollars.

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TERMS:

One copy per annum, in advance.....\$4 00

STATES RIGHTS TICKET.

FOR CONGRESS.

(Special Election, June 20, 1861.)

- 1st District—HON. H. C. BURNETT.
- 2d District—J. T. BUNCH.
- 3d District—JOS. H. LEWIS.
- 4th District—HON. A. G. TALBOTT.
- 5th District—GEN. HENRY E. READ.
- 6th District—
- 7th District—HORATIO W. BRUCE.
- 8th District—Hon. WM. E. SIMMS.
- 9th District—Col. JNO. S. WILLIAMS.
- 10th District—O. P. HOGAN.

FOR STATE TREASURER,
JUDGE GOBRIAS TERRY.

FOR STATE SENATE—20TH DISTRICT,
HON. THOMAS P. PORTER
OF WOODFORD.

FOR REPRESENTATIVE OF FRANKLIN COUNTY,
CAPT. THOMAS STEELE.
(Regular Election, first Monday in August.)

THURSDAY.....JUNE 20, 1861.

Naturalization.

Those who remember the sayings and doings of P. Swigert, in past years, and those who also remember the variety of extra-official opinions volunteered and published by J. Harlan, then Attorney General, on the true construction of the naturalization laws, will, or will not, (as the case may be) be surprised to learn, that these immaculate patriots have been doing a pretty brisk business in the Court of Appeals this week, in having men of foreign birth admitted to the rights of citizenship. We have always been in favor of this; and of course were glad to see these old opponents of our views giving practical evidence of their conversion from the error of their ways. It is true, in one or more cases, they showed themselves a little awkward in conforming to the law; but when a declaration, or such like, proved to be informal or insufficient, we had the pleasure to witness the skill and promptitude with which they could supply amendments to cure defects. We take it for granted that those who have been sworn in this week, will be allowed to vote to-day; for we never did admit the legality of the ex-cathedra opinion that a naturalized citizen, otherwise qualified under State laws, should reside a year in the State after taking the final oath of allegiance, before he could vote. We adhere to our old convictions, and are really gratified to find old opponents coming into Court, to abjure old errors and conform to sound practice. Henceforth, Pope Swigert, Ex-Attorney General Harlan, Paddy O'Rafferty, Barney O'Flaherty, & Co., we are rejoiced to believe, will be a very harmonious, loving, exemplary, political firm, abundantly able and willing to manage the affairs of government without the aid of outsiders.

Capt. SIMMS is pledged to use his efforts to stop the war and procure the recognition of the independence of the Confederate States. Mr. Crittenden is pledged in the Border Slave States address, not to recognize the independence of the Confederate States; and he is thereby impliedly pledged to conquer them, if they do not submit to Lincoln's rule. Yet every thinking man knows that there is no possible hope of either subjugating the South, or restoring fraternal relations between the States, except through such a recognition. The friends of peace, therefore, should unanimously vote for the friend of such recognition, Capt. SIMMS.

One of the most miserable of the demagogic appliances of the Submissives, is, the false representation, made, as we know it has been, to the poor and ignorant men of this county, that the Constitution of the Confederate States prescribes a property qualification for voters. The Constitution of the Confederate States, precisely like the Constitution of the United States, recognizes the right of each State to define the qualifications of voters; and the miserable demagogues who have attempted to abuse the credulity of the poor and the ignorant, by any representation to the contrary, are either ignorant themselves, or willful falsifiers.

No personal considerations whatever should influence the mind of any voter in such a tremendous crisis as this. Every one should vote for his principles, and his country, and his country's peace, without fear, favor or affection towards any mortal man. Vote for SIMMS, every friend of States Rights, every lover of peace, every enemy of tyranny, despotism and usurpation.

The Western Virginia Convention, in session at Wheeling, have passed an ordinance seceding from the State, or, in other words, deposing the constituted authorities of the State, and organizing a provisional government. To what madness will not the country be driven as the consequence of this wicked war waged in the interest of a Usurper and military despot?

Whoever would bring peace to the country and restore relations of fraternity between the States now at war, should vote for SIMMS.

We complete to-day the great opinion of Chief Justice Taney in the Merriman *habeas corpus* case. Strange as it may seem, that such an opinion should be called out by the usurpations of a military despot in this age, yet it is nevertheless lamentably true. This opinion will blaze through future history like a light on the headlands of human liberty; and will bear the name of Lincoln on and on to the black shades of infamy.

Prince Alfred, second son of Queen Victoria, arrived in Quebec last week.

Military Despotism Openly Proposed!

The following article, from the New York Herald of the 15th, is one of ominous significance. It clearly prefigures the military despotism which, if this wicked war be not temporarily stopped, must inevitably succeed the Government established by our fathers. But before commenting further, we ask serious attention to the outgivings of the Herald:

MEETING OF CONGRESS.—In nineteen days Congress is to assemble at Washington in extra session, unless Jefferson Davis should get hold of it before the Fourth of July. The first thing Congress must do is to pass an indemnity bill in favor of the President, to protect him against the legal consequences of those unconstitutional acts which necessity has compelled him to adopt for the preservation of the Government. In the next place Congress ought to provide for the expenses of the war. To do this effectually, instead of borrowing from merchants, it ought to establish a national bank, with a capital of one hundred and fifty millions, whence the Government would be enabled to obtain a loan of fifty millions immediately upon the security of the deposits and the incoming revenue. The next thing to be attended to is the increase of the navy and the efficiency of the War Department. Lastly, a general bankrupt law must be passed to relieve merchants from their liabilities, and to enable them to commence a new career under brighter auspices. All these measures may easily be passed in three weeks. There is no need of discussion. It is time for talking. Action is what is wanted. The slavery question is no longer at issue, but the existence of the Government.

Now, observe the programme. "The first thing Congress must do, is to pass an indemnity bill in favor of the President, to protect him against the legal consequences of those unconstitutional acts which necessity has compelled him to adopt for the preservation of the Government."

This is the old plea of tyranny revived. This is the old doctrine of the Stuarts, that necessity requires the abrogation of lawful government, in order to maintain any government at all. An indemnity bill for the benefit of our Charles Stuart, Abe Lincoln! Indemnify him against the legal consequences of his unconstitutional acts!—Pass an act, giving, not the people, but Abe Lincoln, "indemnity for the past and security for the future!" Pass an act, approving the exercise of unconstitutional powers by Abe Lincoln! Pass an act justifying the tyrant's plea of "necessity" for abrogating Constitutional rule and establishing a usurpation! Pass an act that necessity requires the substitution of lawless rule for lawful rule! Pass an act in order to preserve the government, the government ordained by the Constitution must be abolished and the usurpation of Abe Lincoln sustained!

The next thing, after thus making Abe Lincoln Dictator, and substituting a military despotism for the Republican Government provided for in the Constitution, is to furnish the Usurper with money to carry on his war against the loyal patriots who have the heroism to resist his lawless rule. A half million of men are to be called out in the Usurper's service, and two hundred millions to be at once appropriated as the first instalment of the expenses of a war, which, with the sacrifice of a million lives and the expenditure of a thousand millions of money, will see the submission of the South further off than when begun. And this money is to be raised through a National Bank with a capital of \$150,000,000. Then the navy is to be increased and the War Department invigorated. And lastly, a general bankrupt law is to be passed to relieve merchants from their liabilities, to enable them to commence a new career under brighter auspices! And all these things are to be done without discussion, without talking, in three weeks.

We copy a telegram, giving an account of the murderous assault upon private citizens of St. Louis, by a band of miscreants under the name of Home Guards, firing into a crowded court room and on peaceful citizens on the sidewalks, without any shadow of provocation whatever. The cowardly villains fired a volley in their own panic at the accidental discharge of a gun in their own ranks. Hearing a gun, their guilty souls feared an enemy; and let fly at the windows of a court room and the side-pavements, killing and wounding six or eight. Such miscreants ought to be disarmed and confined in such places of security that they will be exempt from panics themselves, and the public protected against their murderous propensities.

Brigadier General Schenck was moving out from Alexandria with some seven hundred of his men concentrating for the attack on the Confederate forces, when a detachment of the latter blazed away at the train of cars from a battery, and knocked the whole

concern into a cocked hat. The driver of the train, uncoupled his locomotive engine from the cars containing Schenck's soldiers, and shot away out of danger, leaving the passenger cars behind. Of course the men, who were not killed, took to their heels and fled to the woods. This happened near Vienna. It is a rather unromantic budding of laurels for the ambitious Brigadier. He is more likely to be bedecked with cypress than laurel. He should have stuck to his little law office in Dayton, and not aspired to the profession of arms, which are dangerous instruments in the hands of children and politicians.

THE SOUTH.—We conversed on last evening with one of the most sensible men in the State, just returned from the South, where he went two weeks since, to see for himself what was to be seen. He says the wheat crop which is more than three times as large as ever before raised, has been harvested. That the corn is made, and safe, in the same proportion. He says, all persons there say they can live on corn and wheat. The potatoes, he says, are even better. The feeling he represents to be unanimous—that the Confederate Government can get all any man raises upon their certificates—that he did not pass through a town where he did not find soldiers passing and drilling. He believes there will not be a piece of silver, from a spoon to a pitcher, or a ring, bracelet, or bracelet, which will not be given to their Government and coined. The women and boys from ten years old, up, are all learning how to shoot.

This gentleman has been a member of our Legislature, is worth at least \$200,000, and has been a most decided opponent of the Democratic party through life, and until very recently a strong Union man. The day is

near when he will be neutral.

Let every true-hearted States Rights man do his duty to his principles and his country this day, by casting a vote that will rebuke the usurpation of Abe Lincoln.

SIMMS is the true representative of States Rights principles and policy.

[For the Yeoman.]

Facts vs. Ignorance or Knavery.

An editorial article in the Commonwealth of 17th inst., styled "Taxation," contains the following sentences, which are remarkable for either knavery or inexcusable ignorance and stupidity:

"The United States raises its revenues by import duties, and every sensible man in the K. G. C. knows it. * * * * *

"Every man with brains enough for a wren knows that the General Government never calls upon the States for money."

If the astute genius who presides over the editorial columns of the Commonwealth will take the trouble to examine an act of Congress, approved August 2, 1813, he will find something like the following:

"An act to lay and collect a direct tax within the United States."

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That a direct tax of three millions of dollars shall be, and is hereby, laid upon the United States and apportioned to the States respectively, in manner following:

"Then follows the apportionment to the different States, among which is:]

"Vermont" (the editor's native State). \$98,341.71

"Kentucky" (the editor's adopted State). 165,928.76

And in the apportionment to the several counties of the State is:

"In the State of Kentucky,

"Franklin..... \$4,691.16

"SEC. 4. That the said tax shall be assessed and collected in the manner provided, and by the officers to be appointed under and by virtue of the act aforesaid, entitled "An act for the assessment and collection of direct taxes and internal duties."

"Approved August 2, 1813,

JAMES MADISON."

The editor is also referred to the message of Governor Shelby to the General Assembly of Kentucky, of date December 7, 1813, calling the attention of that body to the above mentioned act of Congress.

We suppose the above is enough to convince any sensible individual that the article of the Commonwealth to which we allude was written with the deliberate and wilful intention of practising a deception upon its readers, or that the editor is so incurably ignorant of the history of this country as to render him totally unfit for the position to which he has aspired. If he hangs upon the latter horn of the dilemma, then, indeed would "a wren," if dependent upon [the] measure of brains possessed by the Commonwealth's editor as a standard for its instinct or intelligence, present the singular spectacle of an idiot bird.

The News.

The forces of the Usurper are gathering the net of subjugation closer and closer around unhappy Missouri. Loyal to the backbone, like Kentucky, Missouri trusted in her loyalty rather than her arms, for defense against despotism, and found herself unprepared to meet the invasion of the Usurper. Sullenly are her true men retiring before the rash rush of the Despot's invading forces; but they will long make a stand, and then, woe to the reckless fools, all of them, Federal or local, who have insulted the State. When the young giant rises in her might, she will pluck away the pillars of the Usurper's temple and overwhelm the accursed Philistines in ruin.

If the telegraph is to be believed, Gen. Lyon, in pursuit of Gov. Jackson, attacked the State troops at Boonville, killing 300, taking 600 prisoners, including Gen. Price, mortally wounded, with a loss of only 17 to the Federal force. All this is probably exaggerated.

We copy a telegram, giving an account of the murderous assault upon private citizens of St. Louis, by a band of miscreants under the name of Home Guards, firing into a crowded court room and on peaceful citizens on the sidewalks, without any shadow of provocation whatever. The cowardly villains fired a volley in their own panic at the accidental discharge of a gun in their own ranks.

Hearing a gun, their guilty souls feared an enemy;

and let fly at the windows of a court room and the side-pavements, killing and wounding six or eight. Such miscreants ought to be disarmed and confined in such places of security that they will be exempt from panics themselves, and the public protected against their murderous propensities.

Brigadier General Schenck was moving out from Alexandria with some seven hundred of his men concentrating for the attack on the Confederate forces, when a detachment of the latter blazed away at the train of cars from a battery, and knocked the whole

concern into a cocked hat. The driver of the train, uncoupled his locomotive engine from the cars containing Schenck's soldiers, and shot away out of danger, leaving the passenger cars behind. Of course the men, who were not killed, took to their heels and fled to the woods. This happened near Vienna.

It is a rather unromantic budding of laurels for the ambitious Brigadier. He is more likely to be bedecked with cypress than laurel.

He should have stuck to his little law office in Dayton, and not aspired to the profession of arms, which are dangerous instruments in the hands of children and politicians.

A Question for Brigadier General Lovell H. Rousseau.

NEAR THE FAIR GROUNDS,
Jefferson County, June 14, 1861.

Editors Louisville Courier: Maj. T. L. Alexander, U. S. A., arrived here yesterday, as agent of the Government, to dispose of the Western Military Asylum, located at this place. In accordance with his instructions, the property was to be sold at auction, and brought \$120,000! The place contains about 200 acres, and cost the Government \$100,000, since which time the main building, valued at \$30,000, has been totally consumed by fire. There were but two bidders, the purchaser, Capt. Phil. B. Thompson, and John B. Bowman, Esq., the latter desiring to procure it for Kentucky University. The minimum price fixed upon the property by Congress was \$25,000. Mr. Bowman made the first bid, (\$25,000), and was spurned enough to offer \$115,000 for it, but could not compete with Capt. Thompson, who is said to be the agent of a company of gentlemen who design re-opening that celebrated watering place, the Harrodsburg Springs, which flourished for many years under the auspices of Dr. C. Graham.

If that is the meaning of the "neutrality" of the true Union men of Kentucky, let them be neutral to their hearts' content, and it will content loyal men at the North likewise. Such a work would be more than their share.

But lest there be any dispute as to whether neutrality is patriotism or not, let Mr. Clay range himself in line with ex-Secretary Holt, whose noble letter we print elsewhere, and give traitors in Kentucky no more quarter than traitors out of it.

Call and see them, and you will find Friends to suit the times.

EDGAR KEENON.....J. L. GIBBONS

AN ELEGANT STOCK OF STRAW GOODS, CHEAP, VERY CHEAP.

JUST OPENED BY KEENON & GIBBONS, DEALERS IN

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HATS, CAPS, STRAW GOODS, BOOTS,

SHOES, WALL PAPER, CARPET BAGS, &c.,

UMBRELLAS, &c., &c.,

feb25 w&t-wf MAIN ST., FRANKFORT,KY.

GILLISPIE & HEFFNER,

MERCHANT TAILORS,

Main Street, Frankfort, Ky.

HAVE just imported a large and complete assort-

ment of FALL AND WINTER GOODS for gentle-

men's wear, consisting of Silk and Velvet Vestings,

French Cassimères, Cloths, &c., &c., of the most fas-

hionable styles.

Our customers and the public will find our present

stock of goods equal to any to be found in similar

houses in the West, and our prices are the lowest.

We are ready to supply all our wants, and to

make up to order any article required.

Call and examine our stock.

EDGAR KEENON.....J. L. GIBBONS

AN ELEGANT STOCK OF

STRAW GOODS, CHEAP, VERY CHEAP.

<p

THE TRI-WEEKLY YEOMAN.

THE MERRYMAN CASE.

OPINION OF CHIEF JUSTICE TANEY.

(CONCLUDED.)

Blackstone, in his *Commentaries*, (1st vol., 137,) states it in the following words:

"To make imprisonment lawful, it must be either by process from the Courts of Judicature or by warrant from some legal officer having authority to commit to prison." And the people of the United Colonies, who had themselves lived under its protection while they were British subjects, were well aware of the necessity of this safeguard of their personal liberty. And no one can believe that in framing a government intended to guard still more efficiently the rights and the liberties of the citizens against executive encroachment and oppression, they would have conferred on the President a power which the history of England had proved to be dangerous and oppressive in the hands of the Crown, and which the people of England had compelled it to surrender after a long and obstinate struggle on the part of the English Executive to usurp and retain it.

The right of the subject to the benefit of the writ of *habeas corpus*, it must be recollect, was one of the great points of controversy during the long struggle in England between arbitrary government and free institutions, and must therefore have strongly attracted the attention of statesmen engaged in framing a new, and, as they supposed, a free government than the one which they had thrown off by the revolution. From the earliest history of the Common Law, if a person was imprisoned—no matter by what authority—he had a right to the writ of *habeas corpus* to bring his case before the King's Bench; and if no specific offense was charged against him in the warrant of commitment, he was entitled to be forthwith discharged; and if the offense was charged which was bailable in its character, the court was bound to set him at liberty on bail. And the most exciting contests between the Crown and the people of England, from the time of Magna Charta, were in relation to the privileges of this writ, and they continued until the passage of the statute of 31st Charles II., commonly known as the great *habeas corpus* act.

This statute put an end to the struggle, and finally and firmly secured the liberty of the subject from the usurpation and oppression of the executive branch of the government. It nevertheless conferred no new right upon the subject, but only secured a right already existing; for although the right could not be justly denied, there was often ineffectual remedy against its violation. Until the statute of the 13th of William III the judges held their offices at the pleasure of the king, and the influence which he exerted over timid, time-serving and partisan judges often induced them, upon some pretext or another, to refuse to discharge the party, although he was entitled to it by law, or delayed their decisions from time to time, so as to prolong the imprisonment of those who were obnoxious to the king for their political opinions, or had incurred his resentment in any other way.

The great and inestimable value of the *habeas corpus* act of the 31st Charles II, is that it contains provisions which compel courts and judges, and all parties concerned, to perform their duties promptly, in the manner specified in the statute.

A passage in *Blackstone's Commentaries*, showing the ancient state of the law upon this subject, and the abuses which were practised through the power and influence of the Crown, and a short extract from *Hallam's Constitutional History*, stating the circumstances which gave rise to the passage of this statute, explain briefly, but fully, all that is material to this subject.

Blackstone, in his *Commentaries on the Laws of England*, 3d vol., 133-134, says:

"To assert an absolute exemption from imprisonment in all cases, is inconsistent with every idea of law and political society, and in the end would destroy all civil liberty, by rendering its protection impossible."

"But the glory of the English law consists in clearly defining the times, the causes and the extent, when, therefore, and to what degree the imprisonment of the subject may be lawful. This is it which induces the absolute necessity of expressing, upon every commitment the reason for which it is made, that the Court upon a *habeas corpus* may examine into its validity, and, according to the circumstances of the case, may discharge, admit to bail, or remand the prisoner."

"And yet early in the reign of Charles I, the Court of King's Bench, relying on some arbitrary precedents, (and these perhaps misunderstood,) determined that they would not, upon a *habeas corpus*, either bail or deliver a prisoner, though committed without any cause assigned, in case he was committed by the special command of the King or the Lords of the Privy Council. This drew on a parliamentary inquiry, and produced the Petition of Right—3d Charles I—which recites this illegal judgment, and enacts that no freeman hereafter shall be so imprisoned or detained. But when in the following year Mr. Selden and others were committed by the Lords of the Council in pursuance of His Majesty's special command, under a general charge of 'notable contumacy, and stirring up sedition against the King and the government,' the judges delayed for two terms (including also the long vacation) to deliver an opinion how far such a charge was bailable. And when at length they agreed that it was, they, however, annexed a condition of finding sureties for their good behaviour, which still protracted their imprisonment, the Chief Justice, Sir Nicholas Hyde, at the same time declaring that they were again remanded for that cause, perhaps the Court would not afterwards grant a *habeas corpus*, being already made acquainted with the cause of the imprisonment." But this was heard with indignation and astonishment by every lawyer present, according to Mr. Selden's own account of the matter, whose resentment was not cooled at the distance of four and twenty years."

It is worthy of remark that the offenses charged against the prisoner in this case, and relied on as a justification for the arrest and imprisonment, in their nature and character, and in the loose and vague manner in which they are stated, bear a striking resemblance to those assigned in the warrant for the arrest of Mr. Selden. And yet, even at that day, the warrant was regarded as such a flagrant violation of the rights of the subject, that the delay of the time-serving judges to set him at liberty upon the *habeas corpus* issued in his behalf excited universal indignation at the bar. The extract from *Hallam's Constitutional History* is equally impressive and equally in point. It is in vol. 4, p 14:

"It is a very common mistake, and not only among foreigners, but many from whom some knowledge of our constitutional laws might be expected, to suppose that this statute of Charles II enlarged in a great degree our liberties, and forms a sort of epoch in their history. But through a very beneficial enactment, and eminently remedial in many cases of illegal imprisonment, it introduced no new principle, nor conferred any right upon the subject. From the earliest records of the English law no freeman could be detained in prison except upon a criminal charge, or conviction, or for a civil debt. In the former case it was always in his power to demand of the Court of King's Bench a writ of *habeas corpus ad subjiciendum* directed to the person detaining him in custody, by which he was enjoined to bring up the body of the prisoner with the warrant of commitment that the Court might judge of its sufficiency and remand the party, admit him to bail, or

discharge him, according to the nature of the charge. This writ issued of right and could not be refused by the Court. It was not to bestow an immunity from arbitrary imprisonment, which is abundantly provided for in *Magna Charta*, (if indeed it were not more ancient,) that the statute of Charles II was enacted, but to cut off the abuses by which the Government's lust of power and the servile subtlety of Crown lawyers had impaired so fundamental a privilege."

While the value set upon the writ in England has been so great that the removal of the abuses which embarrassed its enjoyments have been looked upon as almost a new grant of liberty to the subject, it is not to be wondered at that the continuance of the writ thus made effective should have been the object of the most jealous care. Accordingly, no power in England short of that of Parliament can suspend or authorize the suspension of the writ of *habeas corpus*. I quote again from Blackstone (*1 Com., 136*): "But the happiness of our Constitution is, that it is left to the executive power to determine when the danger of the State is so great as to render this measure expedient. It is the Parliament only, or legislative power, that, whenever it sees proper, can authorize the Crown, by suspending the *habeas corpus* for a short and limited time, to imprison suspected persons without giving any reasons for so doing." And if the President of the United States may suspend the writ, then the Constitution of the United States has conferred upon him more regal and absolute power over the liberty of the citizen than the people of England have thought it safe to intrust to the Crown—a power which the Queen of England can not exercise at this day, and which could not have been lawfully exercised by the sovereign, even in the reign of Charles I.

But I am not left to form my judgment upon this great question from analogies between the English Government and our own, or the commentaries of English jurists, or the decisions of English courts, although upon this subject they are entitled to the highest respect, and are justly regarded and received as authoritative by our courts of justice. To guide me to a right conclusion, I have the *Commentaries on the Constitution* of the United States of the late Mr. Justice Story, not only one of the most eminent jurists of the age, but for a long time one of the brightest ornaments of the Supreme Court of the United States, and also the clear and authoritative decision of that court itself, given more than half a century since, and conclusively establishing the principles I have above stated.

Mr. Justice Story, speaking in his *Commentaries* of the *habeas corpus* clause in the Constitution, says:

"It is obvious that cases of a peculiar emergency may arise, which may justify, nay, even require, the temporary suspension of any right to the writ. But as it has frequently happened in foreign countries, and even in England, that the writ has, upon various pretexts and occasions, been suspended, whereby persons apprehended upon suspicion have suffered a long imprisonment, sometimes from design, and sometimes because they were forgotten, the right to suspend it is expressly confined to cases of rebellion or invasion, where the public safety may require it. A very just and wholesome restraint, which cuts down at a blow a fruitful means of oppression, capable of being abused in bad times to the worst of purposes. Hitherto no suspension of the writ has ever been authorized by Congress since the establishment of the Constitution."

"It would seem as the power is given to Congress to suspend the writ of *habeas corpus* in cases of rebellion or invasion, that the right to judge whether the exigency had arisen, must exclusively belong to that body."—*Story's Com. on the Constitution*, section 1, 336.

And Chief Justice Marshall, in delivering the opinion of the Supreme Court in the case of *ex parte Bollman* and *Swartwout*, uses this decisive language in 4 *Cranch*, 95: "It may be worthy of remark that this act (proceeding of the one under which I am proceeding) was passed by the first Congress of the United States, sitting under a Constitution which had declared 'that the privilege of the writ of *habeas corpus* should not be suspended, unless, when in case of rebellion or invasion, the public safety might require it.' Acting under the immediate influence of this injunction, they must have felt, with peculiar force, the obligation of providing efficient means by which this great Constitutional privilege should receive life and activity; for if the means be not in existence, the privilege itself would be lost, although no law for its suspension should be enacted. Under the impression of this obligation they give to all the Courts the power of awarding writs of *habeas corpus*."

And again, in page 101:

"If any time the public safety should require the suspension of the powers vested by this act in the Courts of the United States, it is for the Legislature to say. That question depends on political considerations, on which the Legislature is to decide. Until the legislative will be expressed, this Court can only see its duty, and must obey the law."

I can add nothing to these clear and emphatic words of my great predecessor.

But the documents before me show that the military authority in this cause has gone far beyond the mere suspension of the privilege of the writ of *habeas corpus*. It has, by force of arms, thrust aside the judicial authorities and officers to whom the Constitution has confided the power and duty of interpreting and administering the laws, and substituted a military government in its place, to be administered and executed by military officers; for at the time these proceedings were had against John Merryman, the District Judge of Maryland—the Commissioner appointed under the act of Congress—the District Attorney and the Marshal, all resided in this city of Baltimore, a few miles only from the house of the prisoner.

Up to that time there had never been the slightest resistance or obstruction to the process of any court or judicial officer of the United States in Maryland, except by the military authority. And if a military officer or any other person had reason to believe that the prisoner had committed any offense against the laws of the United States, it was his duty to give information of the fact, and the evidence to support it, to the District Attorney; and it would then have become the duty of that officer to bring the matter before the District Judge or Commissioner, and if there was sufficient legal evidence to justify his arrest, the Judge or Commissioner would have issued a warrant to the Marshal to arrest him; and upon the hearing of the party who would have held him to bail or committed him for trial, according to the character of the offense as it appeared in the testimony, or would have discharged him immediately if there was not sufficient evidence to support the accusation.

There was no danger of any obstruction or resistance to the action of the civil authorities, and therefore no reason whatever for the interposition of the military. And yet, under these circumstances, a military officer, stationed in Pennsylvania, without giving any information to the District Attorney, and without any application to the judicial authorities, assumes himself the judicial power in the District of Maryland; undertakes to decide what constitutes the crime of treason or rebellion; what evidence (if, indeed, he required any) is sufficient to support the accusation and justify the commitment, and commits the party without having a hearing even before himself, to close custody in a strongly garrisoned fort, to be there held, it would seem, during the pleasure of those who committed him.

The Constitution provides, as I have before

said, that "no person should be deprived of life, liberty, or property, without due process of law." It declares that "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." It provides that the party accused shall be entitled to a speedy trial in a court of justice.

And these great and fundamental laws, which Congress itself could not suspend, have been disregarded and suspended, like the writ of *habeas corpus*, by a military order, supported by force of arms. Such is the case now before me, and I can only say, that if the authority which the Constitution has confided to the Judiciary Department and Judicial officers, may thus, upon any pretext or under any circumstances, be usurped by the military power, it is to be wondered at that the continuance of the writ thus made effective should have been the object of the most jealous care.

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For Disease of the Bladder, Kidneys, Gravel

Dropsy, Weakness, Obstructions, Secret

Diseases, Female Complaints, and all

Disorders of the Sexual Organs.

Arising from Excessive and Irregular Use in Life,

and removing all Improper Discharges from the

Bladder, Kidneys, or Sexual Organs, whether existing in

MALE OR FEMALE.

From whatever Cause they may be generated, and

NO MATTER HOW LONG STANDING,

Giving Health and Vigor to the Frame, and Bloom

to the Pallid Cheeks.

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It cures Nervous and Debilitated Seufferers, and removes all the Symptoms, among which will be found

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Breathing, General Weakness, Hoarseness, Weak Nerves, Trembling,

Painful Headache, Head, Neck, Arms,

Cold Feet, Weakness, Diseases of Vision,

Languor, Universal Lassitude of the Muscular System, often Enormous Appetite; with Dyspeptic

Symptoms, Hot Hands, Flushing of the Body,

Dryness of the Skin, Palpitation,

Excessive Facial Pain in the Head,

Eyes, Frequently Black Spots Flying before

the eyes,

with temporary Suffocation, Loss of Sight, Want of

Attention, Great Mobility, Restlessness, with

Harmot of Society. Nothing is more Desirous

to such patients than Solitude, and

nothing is more painful to them than

themselves no repose of mind, no specula-

tion but a hurried transi-

tion from one question to another.

These symptoms are allowed to go on—whi-

this medicine invariably removes—soon follows Loss

of Power, Fatigue, and Epileptic Fits, in one

of which the patient may expire, but you can say

that these are not fatal, for they are not

deadly, but they are fatal for

themselves no repose of mind, no specula-

tion but a hurried transi-

tion from one question to another.

With few measures was despair.

"Low sullen sounds his grief beguiled."

Debility is most terrible and has brought thousands upon thousands untimely graves, thus blighting the ambition and many a noble youth. It can be cured by the use of this.

INFALLIBLE REMEDY.

If you are suffering with any of the above distressing

ailments, the Fluid Extract HELBOLD will cure you.

Try it, and be convinced of its efficacy.

Let me assure you that the Inventor, who

was taken into custody, and references, Citizens

know and avoid him, and save Long Suffering,

Money, and Exposure, by sending or calling for a bottle

of this Popular and Specific Remedy.

The counterfeiter is actually soiled and quite destitute. Neither Mirth or Grief ever visits it. Should a sound of the voice occur, it is rarely articulate.

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Debility is most terrible and has brought thousands upon thousands untimely graves, thus blighting the ambition and many a noble youth. It can be cured by the use of this.

HELBOLD'S EXTRACT BUCHU

Is prepared directly according to the Rules of

PHARMACY AND CHEMISTRY,

with the greatest accuracy, and chemical knowledge,

and care devoted in its combination. See Professor Dewey's Valuable Works on the Practice of Physic,

and most of the late standard works on Medicine.

The mass of VOLUNTARY TESTIMONY in possession

of the Proprietor vouching its virtues and curative

powers is immense, embracing names well known to

SCIENCE AND FAITH.

"Personal experience," says the Inventor, "is the best proof of the value of this preparation."

It is also a perfect Remedy, is perfectly pleasant

in taste and odor, but immune from all

side effects.

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Ask for Helbold's—Take no other!

CURES GUARANTEED.

april 25 w&t-wt

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HOWARD GRATZ, to take charge of the

editorial department of the KENTUCKY FARMER,

and can promise our subscribers a first class

Agricultural and Family Journal.

This is the first agricultural journal in the State, and will be devoted to the practical interests of this latitude, and we will spare no pains to make it thoroughly reliable in every department of Agricultural literature, and to keep it rapidly informed in all parts of the State, so as to find it a valuable advertising medium, for these having Land, Stock, Agricultural Implements, Seeds, Trees, &c., for sale.

"If One dollar per annum is the very moderate price at which we will make it available, we will do it."

—A. G. HODGES & CO.

BOOK BINDING.

Customers that having regained their health, he has sold to me for R. A. G. HODGES, the Bindery, he sold to him in November last, and will give whole attention to its management. He respectfully solicits its continuance of the patronage heretofore extended to the establishment.

The Clerks will be furnished with record books ruled to pattern, and of the very best quality of paper.

BLANK BOOKS of every description, manufactured at short notice, to order, on reasonable terms.

Binders at the old stand, over Harlan's Law Office.

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KENTUCKY RIVER COAL.

I HAVE just received a fresh supply of the BEST

KENTUCKY RIVER COAL; also a large lot of

CALIF. Pittsburg, Tughiemont, and Pomeroy.

which will be supplied ready for use on the Railroad or City, by applying to me at my office in Coalard in Frankfort.

S. BLACK

Lots for Sale

I HAVE several beautiful vacant building lots for sale. Call on me at no residence in South Frankfort.

THOS. A. THEOBALD.

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DO YOU WANT WHISKERS?
DO YOU WANT WHISKERS?
DO YOU WANT A MUSTACHE?
DO YOU WANT A MUSTACHE?
BELLINGHAM'S
CELEBRATED

STIMULATING ONGUENT,
For the Whiskers and Hair.
The subscribers take pleasure in announcing to the Citizens of the United States, that the Agents for us have now been enabled to offer to the American public, the above justly celebrated and world renowned article.

THE STIMULATING ONGUENT.
Prepared by Dr. C. P. BELLINGHAM, an eminent physician in London, and is warranted to bring out a thick set of

WHISKERS OR A MUSTACHE,

in one to six weeks. This article is the only of its kind used by the French, and in London to the exclusion of all others.

It is a beautiful ointment, soothing, yet stimulating compound, acting as it by magic upon the roots, causing a beautiful growth of luxuriant hair, applied to the scalp, it will cure BALDNESS, and cause to spring up in place of the bald spot a fine tuft of hair, and grow twice as fast as the original hair. Applied according to directions, it will turn red or tawny hair dark, and restore gray hair to its original color. Leaving it soft, smooth, and flexible. The "ONGUENT" is an indispensable article in every gentleman's toilet, and after once being used, it need not be considered.

IT WILL RESTORE THE NATURAL COLOR OF THE HAIR,

where age or sickness has turned it gray, and it will render it soft and glossy.

"ANYBODY"

Who may try it, will find that it does not color the skin, but by stimulating the natural secretions at the roots, gives new life and strength to the hair, and thus restores its color and freshness. It may be used as freely as water upon the scalp, and with much safety, it is composed of oil of camphor, camomile, and other aromatic spirits, and is an article for the toilet for the hair.

MOFFAT'S LIFE PILLS AND PHOENIX BITTERS.

These MEDICINES have now been before the public for a period of THIRTY YEARS, and during that time have maintained a high character in almost every part of the Globe, for their extraordinary properties, and the great benefit they confer upon persons suffering under nearly every kind of disease to which the human frame is liable.

The following are among the distressing variety of human diseases in which these MEDICINES are of service:

SCARLET, ETC. MEDICINES

DISPEPSIA, by thoroughly cleansing the first and second stomachs, and creating a flow of pure, clear bile, instead of the stale and acrid kind;

HAEMATURIA, BREATHING DIFFICULTY, HEADACHE,

RESTLESSNESS, ILL-TEMPER, ANXIETY,

LANGOR, and MELANCHOLY, which are the general symptoms of Dispepsia, will vanish, as a natural consequence of the use of these MEDICINES.

These MEDICINES have been known to cure

DISPEPSIA, personally, in a few days,

and GOUT in half a month, in removing local inflammation from the muscles and ligaments of the body.

DRUGGISTS, &c., &c., &c.

will find it a valuable article for the toilet.

WILL BOSBYSHALL.

Read one of the many letters received by the Proprietors:

ST. LOUIS, Mo., June 1st, 1859.

MESSRS. W. E. HAGAN & CO., Troy, N. Y.

I hereby certify that my hair having become gray, and my head partially bald, I bought from Henry Reynolds, Druggist, one four-bit bottle of BELLINGHAM'S INIMITABLE HAIR RESTORATIVE. By its use my hair was restored to its original color and texture, and I am now in full possession of my natural hair, which is now dark, smooth, and flexible. The "ONGUENT" is an indispensable article for the toilet.

Read one of the many letters received by the Proprietors:

ST. LOUIS, Mo., August 2, 1860.

MESSRS. W. E. HAGAN & CO., Troy, N. Y.

I hereby certify that my hair having become gray, and my head partially bald, I bought from Henry Reynolds, Druggist, one four-bit bottle of BELLINGHAM'S INIMITABLE HAIR REST